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RCE
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Request for Continued Examination (RCE) Transmittal

Address to:
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/830, 005
Filing Date	04-21-2001
First Named Inventor	Phillip G. Spaniol
Art Unit	3562
Examiner Name	Donald W. Underwood
Attorney Docket Number	FT0002R

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
ii. Other _____

- b. Enclosed

- | | |
|---|--|
| i. <input checked="" type="checkbox"/> Amendment/Reply | iii. <input type="checkbox"/> Information Disclosure Statement (IDS) |
| ii. <input type="checkbox"/> Affidavit(s)/ Declaration(s) | iv. <input type="checkbox"/> Other _____ |

2. **Miscellaneous**

- a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. Other _____

3. **Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to

- a. Deposit Account No. _____ I have enclosed a duplicate copy of this sheet.

- i. RCE fee required under 37 CFR 1.17(e)
ii. Extension of time fee (37 CFR 1.136 and 1.17)
iii. Other _____

- b. Check in the amount of \$ 905.00 enclosed

- c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Kevin D. Kaschke</i>	Date	<u>Sept 28, 2006</u>
Name (Print/Type)	<i>KEVIN D. KASCHKE</i>	Registration No.	<u>35,767</u>

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	<i>Kevin D. Kaschke</i>	Date	<u>Sept 28, 2006</u>
Name (Print/Type)	<i>KEVIN D. KASCHKE</i>	Registration No.	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Donald W. Underwood
(703) 308-1112 (ph)
Applicants: Phillip G. Spaniol, Steven J. Spaniol and Kevin D. Kaschke
Intl. Appl. No.: PCT/US98/18376 *Docket No.:* FT0002R
Intl. Filing Date: 23 October 1998 *Priority Date:* None
Nat'l. Appln. No.: 09/830,005 *Group Art Unit:* 3652
Nat'l. Filing Date: 21 April 2001
Entitled: Agricultural Bale Accumulator And Method Therefor

Law Offices of Kevin D. Kaschke, Ltd.
3837 East Main Street, Suite 302
St. Charles, IL 60174

September 28, 2006

Request for Continued Examination (RCE) under 37 CFR 1.114

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Responsive to the Final Rejection dated March 28, 2006 for the above-identified patent application, the applicants hereby submit the present Request for Continued Examination (RCE) under 37 CFR 1.114, and MPEP 706.07(h).

Verification of a proper RCE filing under MPEP 706.07(h), III (Initial Processing):

- (A) The present RCE is filed on September 28, 2006, which is after May 29, 2000.
- (B) The present application was filed on April 21, 2001, which is after June 8, 1995.
- (C) The present application is a utility application.
- (D) The present application is pending because the present RCE is filed after the Final Rejection was received but before a patent issued or became abandoned.
- (E) The prosecution in the present application is closed because the last Office Action was a Final Rejection.
- (F) The present RCE is filed before the payment of the issue fee.
- (G) The present RCE is accompanied by the proper fee(s), including the RCE fee under 37 CFR 1.17(e) of \$395.00, plus a three month extension of time under 37 CFR 1.17(a)(3) of \$510.00 for a total fee of \$905.00.

(H) The present RCE includes a submission, as required by 37 CFR 1.114, in the form of an amendment to the claims, pursuant to 37 CFR 1.114(c).

As explained under MPEP 706.07(h), III, D (Treatment of Proper RCE), “the applicant does not need to pay a fee for excess claims previously paid for prior to filing the RCE. Of course, new claims in excess of the number previously paid for, which are filed with the RCE or thereafter, will require payment of the appropriate fee(s) under 37 CFR 1.16.” The applicant has not submitted any new claims in excess of those claims previously paid for before filing the RCE. Hence, no claim fee is required.

Since the present RCE, including the fee and the submission, is filed in a pending application before payment of the issue fee, a petition under 37 CFR 1.313 to withdraw the application from issue is not required, pursuant to MPEP 706.07(h), IX.

This request and amendment is filed on September 28, 2006, under the Certificate of Mailing pursuant to 37 CFR 1.18, within the three month shortened statutory period set for reply in the Final Rejection dated March 28, 2006 plus a three month extension of time under 37 CFR 1.136(a), which expires September 28, 2006, pursuant to MPEP 710.01(a).

The applicant respectfully requests that the Office withdraw the finality of the Notice of Allowance, and enter and consider the present amendment.

Any inquiry related to this response should be communicated to Kevin D. Kaschke at the address and phone number, and as noted herein.

Respectfully submitted,
Phillip G. Spaniol, et al.

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